REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 31-32, 34, 36-37, 39-45, 47, 50-53, 55-56, and 58-61. Various informalities have been corrected in many of the claims. The Applicant respectfully submits no new matter has been added. Accordingly, claims 31-61 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Examiner Objections – Specification

The specification was objected to because of several informalities. The Applicant thanks the Examiner for his careful review of the specification. In response, the Applicant has modified the specification as suggested by the Examiner. The Examiner's consideration of the amendments to the specification is respectfully requested.

Examiner Objections - Claims

Claims 34, 39-42, and 50-61 were objected to because of informalities. The Applicant appreciates the Examiner's thorough review of the claims. The Applicant has amended the claims as suggested by the Examiner in order to correct the informalities. The Examiner's consideration of the amended claims is respectfully requested.

Claim Rejections – 35 U.S.C. § 112

Claims 43-49 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. Claim 43 has been amended to correct the antecedent basis problem. The Applicants respectfully submit that 43-49 are now allowable.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 31, 33, 38, 43, 49, 50, 52, and 57 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chawla, et al. (US 6,876,668). The Applicant

respectfully traverses the rejection of these claims and directs the Examiner's attention to claim 31.

> 31.   (Currently Amended)   A method for processing a data packet stream in a communications system, with the steps of:
> receiving <u>a first admission control packet that includes a number of admission control parameters</u>,
> reading from said first admission control packet at least one admission control parameter indicating a throughput required for a real-time processing of a sub-stream of data packets related to the first admission control packet,
> determining a currently available throughput,
> comparing the available throughput with the required throughput,
> admitting the real-time processing of the sub-stream, if the available throughput is higher than or equal to the required throughput. (Emphasis added)

The Applicant respectfully submits that the Chawla reference does not disclose or suggest at least the emphasized limitation in claim 31.

The Chawla reference is cited as disclosing a first admission control packet. The Applicant has reviewed this portion of Chawla and respectfully disagrees with the Examiner's interpretation that Chawla discloses the admission control packet as claimed by the Applicant. The Applicant discloses and defines a <u>specific</u> admission control <u>packet</u> (ACP) that contains admission control (throughput) parameters describing the throughput requirements due to real-time constraints for the processing of a sub-stream of data packets by a packet scheduler. A throughput requirement in the sense of the present invention can be either a fixed requirement or an average requirement, and it can be given either by fixed throughput rate parameters or by average throughput parameters. (Figure 2b, page 16, line 26 – page 17, line 2). The cited Chawla reference discloses providing parameters to a packet classifier and packet scheduler. Chawla does not specify a single packet to provide parameters to a single ACP, but at least two types of parameters are described as being provided to two different devices.

The reference cited in Chawla, "…[I]f both the admission and policy control checks succeed, the RSVP daemon 101 defines a set of filterspec parameters provided to a packet classifier 104 and a set of flowspec parameters provided to the packet

scheduler 106 to configure and obtain the desired QoS in the device 100 for that stream." A Policy control determines whether the device requesting the reservation has permission and a packet scheduler services queues. If both checks succeed, filterspec and flowspec parameters are provided to configure and obtain the desired QoS. (col. 3, lines 1-14). Step 600 merely discloses that a "…bandwidth allocation request 511 is obtained from the network 200." Neither cited portions of Chawla teach or suggest that a specific Admission Control Packet is used to provide admission control parameters to an Admission Controller.

Thus, Chawla lacks the limitation of an admission control packet containing throughput parameters. This being the case, the Applicant respectfully requests the allowance of independent claim 31 and independent claims 43 and 50, which are analogous to claim 31 and contain similar limitations.

Claims 33, 38, 49, 50, 52 and 57 depend from the respective independent claims and recite further limitations in combination with the novel elements of claims 31, 43, and 50. Therefore, the allowance of claims 33, 38, 49, 50, 52 and 57 is also respectfully requested.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 32 and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chawla in view of Ganz, et al. (US 6,049,549). The Applicant respectfully traverses the rejection of these claims. The Ganz reference does not supply the limitation lacking in the Chawla reference; that of the Admission Control Packet. Nor does the combination of Chawla and Ganz teach or suggest use of an Admission Control Packet. Therefore, the allowance of claims 32 and 51 is respectfully requested.

Claims 35-36, 44-45, and 54-55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chawla in view of Dubuc (US 6,603,739). The Applicant respectfully traverses the rejection of these claims. The Dubuc reference does not supply the limitation lacking in the Chawla reference; that of the Admission Control Packet. Nor does the combination of Chawla and Dubuc teach or suggest use of an

Admission Control Packet. Therefore, the allowance of claims 35-36, 44-45, and 54-55 is respectfully requested.

Claims 37 and 56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chawla in view of Smith, et al. (7,035,211). The Applicant respectfully traverses the rejection of these claims. The Smith reference does not supply the limitation lacking in the Chawla reference; that of the Admission Control Packet. Nor does a combination of Chawla and Smith teach or suggest use of an Admission Control Packet. Therefore, the allowance of claims 37 and 56 is respectfully requested.

Claim 46 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chawla in view of Dubuc as applied to claim 45 above, and further in view of Pavan et al (US 6,801,943). The Applicant respectfully traverses the rejection of these claims. Neither the Dubuc reference nor the Pavan reference supplies the limitation lacking in the Chawla reference; that of the Admission Control Packet. Nor does the combination of Chawla, Dubuc and Paven teach or suggest use of an Admission Control Packet.. Therefore, the allowance of claim 46 is respectfully requested.

Allowable Subject Matter

The Applicant notes with appreciation the conditional allowance of claims 34, 39-42, 47-78, 53, 58-61.

Prior Art Not Relied Upon

In paragraph 15 on page 8 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

Claim Rejections – Double Patenting

The Examiner rejected claims 31-61 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-21, and 23-

29 of U.S. Patent No. 6,728,270. The present application and U.S. Patent No. 6,728,270 are commonly owned by the Assignee, Telefonaktiebolaget LM Ericsson (publ). The present application is a continuation application of U.S. Patent No. 6,728,270. An assignment, which assigns ownership to the Assignee of U.S. Patent No. 6,728,270 and all continuing applications, was recorded in the USPTO on November 9, 2000, at reel/frame 011286/0721.

The Applicants have filed a Terminal Disclaimer herewith to overcome this rejection. An authorization to charge Deposit Account No. 50-1379 for the Terminal Disclaimer fee under 37 C.F.R. 1.20(d) is enclosed.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

By Sidney L. Weatherford
Registration No. 45,602

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Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-8656
sidney.weatherford@ericsson.com